IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 481 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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SURESHCHANDRA JAMNADAS TRATIA

Versus

JAMNADAS NANJIBHAI TRATIA

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Appearance:

1. Civil Revision Application No. 481 of 1999

MR DG CHAUHAN for Petitioner No. 1

MR SANDEEP N BHATT for Respondent No. 1

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CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 08/05/2002

ORAL JUDGEMENT

1. Heard Mr.Chauhan for the petitioner and Mr. Bhatt for the respondent. During hearing I was taken through the Application Exh.40 filed by the petitioner defendant before the learned trial Judge wherein the prayer is made to consider Application Exh.10 and in view

of the clause in the Agreement the matter requires to be dealt with by the Arbitrator. Said Application was submitted on 6.11.98. As found from the order passed by the learned trial Judge, considering the contentions raised before him and relying upon the decision in the matter of Varun Seacon v.Bharat Bijlee, reported in 1997 (2) GLH 747 and the fact that the petitioner defendant has already filed detailed written statement vide Exh.26, the learned trial Judge has not accepted the request for hearing Application Exh.10 first before deciding the application pending before the trial court and the learned trial Judge has accordingly rejected the application.

2. Considering the submissions made before me, this is not a matter where this court is required to interfere with the impugned order while exercising my revisional jurisdiction under Sec.115 of the C.P.C. Accordingly Civil Revision Application is dismissed. Rule is discharged. Interim relief stands forthwith vacated. Office to issue writ forthwith to the trial court.

The trial court is also directed to decide the application and the Suit as expeditiously as possible.

(D.K.Trivedi,J)

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